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PVF -- PARC

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EXAMINER

CHANKONG, DOHM

ART UNIT

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2452

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/058,268 | <b>Applicant(s)</b><br>EDWARDS ET AL. |  |
|                              | <b>Examiner</b><br>DOHM CHANKONG     | <b>Art Unit</b><br>2452               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-23, and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to Applicant's request for continued examination. Claims 1, 8, 19, 23, and 30 are amended. Claims 1, 3-12, 14-23, and 25-33 are presented for further examination.

2. This is a non-final rejection.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/2008 has been entered.

#### ***Response to Arguments***

4. Applicant's amendment with respect to claims 1, 3-12, 14-23, and 25-33 have been carefully considered but they do not overcome the previously cited Reed reference. Applicant amends the independent claims removing the "lease duration parameter" feature and adding a feature related to a viewer object. Specifically, the amendment recites a "second component...capable of providing a viewer object that enables the third component to display transferred data associated with the DTSO's data type."

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It is first noted that the use of the phrase "capable of" in the amendment and the rest of the claims is problematic because the phrase does not actually require the claim to perform anything. In claim 1, the phrase merely requires that a system be "capable of" providing a viewer object but does not actually claim that the viewer object is provided. In other words, a prior art reference may read on the limitation as long as it teaches a communication connection between a first and second component. The prior art would not need to teach the viewer object but does teach the limitation because use of the connection implies that a component would be "capable" of providing the viewer object. For the purposes of advancing prosecution however the claims will be interpreted in a manner so that the limitations are actually being performed by the system and method claims. Applicant should eliminate the use of the phrase and amend the claims so as to affirmatively recite the step being performed. For example, claim 1 may be amended to recite "a second component...providing a viewer object that enables the third component to display transferred data associated with the DTSO's data type."

Referring now back to the prior art rejections, because the "lease duration parameter" feature is no longer part of the claim, the prior art reference relied upon to make the rejection, Donner, is no longer part of the ground of rejection. However, as to the "viewer object" feature, Reed still teaches this feature. Specifically, Reed discloses providing a viewer object in the form of an "appropriate interface program" that is provided to a consumer device for the purpose of "requesting, receiving, processing, and displaying data in accordance with the selected protocol or format" [*column 15 «lines 18-26»*]. Moreover, Reed discloses another example of a viewer object in the form of "communication objects" that provides the appropriate means for decoding data types that have been transferred to the consuming device [*column 24 «lines 14-21»*]: use of

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the communication object and "other programs" to output other languages for display | *column 50 «lines 58-65»* : communication objects controlling the decoding process for the receiver].

This decoding process reads on the claimed limitation because "decoding" data implies rendering the data so that it can be displayed or viewed by the consuming computer. Based on the foregoing, Applicant's amendment does not overcome the Reed reference.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-12, 14-23, and 25-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the independent claims recite a component "capable of providing a viewer object that enables the third component to display transferred data associated with the DTSO's data type." It is not clear which component (the first or the second) that provides the viewer object to the third component. Additionally, in claim 8, the limitation is written within the paragraph discussing the features of the third component. It is not clear if the limitation is referring to the first, second, or third component. Appropriate clarification is requested.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-12, 14-23, and 25-33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Reed et al, U.S Patent No. 6.345.288 [“Reed”], in view of Bischoff et al, U.S Patent No. 6.718.377 [“Bischoff”].

7. As to claim 1, Reed discloses a system for enabling components to transfer data between each other, the system comprising:

a plurality of components including a first component having a data object that implements a universal data transfer interface [*Figure 1 | column 7 «line 59» to column 8 «line 3» | column 105 «line 66» to column 106 «line 16»*] where : Reed’s distribution service object is analogous to Applicant’s data object];

a second component capable of receiving the data object [*Figure 1 «item 32» | Figure 28 «item 1302»*] and invoking the universal data transfer interface to cause a data transfer session object (DTSO) to be sent to the second component [*column 98 «lines 14-24»*]: where :the communications object is sent using the methods (interface) of the distribution service object], and capable of providing a viewer object that enables the third component to display transferred data associated with the DTSO’s data type [see response to arguments above | *column 15 «lines 18-26» | column 24 «lines 14-21» | column 50 «lines 58-65»*]: both “interface programs” and communication objects read on the claimed viewer object because Reed uses both to display data of different formats and protocols], wherein the second component acts as an intermediary

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component, which facilitates transferring of the DTSO from the first component to a third component [*Figure 1 | Figure 28 | column 12 «line 63» to column 13 «line 3» | column 14 «lines 43-53» | column 86 «lines 64-66»* : transferring of the message object with the communications object and Reed's web server corresponds to the second component. The distribution server facilitates transferring of the DTSO from the first component (provider computer) to the third component (consumer computer)];

wherein the DTSO is capable of being invoked by the third component to transfer data between the first component and the third components [*column 8 «lines 6-19» | column 17 «lines 25-28» | column 67 «lines 17-65» | column 70 «lines 51-67»* where : Reed's communications object is analogous to Applicant's claimed DTSO ];

wherein the DTSO includes instructions that enable the first component to receive asynchronous event notifications [*column 14 «lines 24-56» : "notification of the provider" | column 56 «lines 15-52»*];

wherein the DTSO includes instructions to return device type and operating status of the first component [*column 49 «lines 21-50»*];

wherein the DTSO includes instructions to enable the first component or the third component to negotiate with each other to select a transfer medium to use to transfer data based upon the type of data [*column 12 «lines 44-50» | column 53 «line 54» to column 54 «line 49»*]; and

wherein the components do not have a priori knowledge of each other's domain specific interfaces and protocols [*column 54 «lines 28-49»*];

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Reed does disclose that the second component (provider computer) is aware of the data type supported by the first component (consumer) [*column 14 «lines 21-59»*] and also the first component can provide means, such as special forms, for the second component to return specific types of data [*column 14 «lines 26-32»*]. Reed however does not expressly disclose instructions to return data types supported by the first component.

In the same field of invention, Bischoff is directed towards a system with a provider and consumer computer (analogous to claimed second and first component, respectively) [*abstract*]. Like Reed, the provider and consumer are enabled to communicate with one another using a standardized interface comprised of various communication objects located at the computers [*column 2 «lines 14-30 and 65-67»*]. To achieve this functionality, Bischoff discloses returning data types from the consumer computer that are supported by the consumer computer to the provider computer to enable communications between the consumer and provider computer [*Figure 4 | column 2 «lines 20-30» | column 7 «lines 56-67»*]. It would have been obvious to one of ordinary skill in the art to modify Reed with Bischoff's teachings. One would have been motivated to provide such a combination to provide a means for Reed to obtain the supported data formats and types of a consumer computer as represented by Bischoff's feature.

8. As to claim 3, Reed as modified by Bischoff discloses the at least one of the plurality of components sends a second DTSO to the first component to be used by the first component for receiving data transmitted from the at least one of the plurality of components [*column 42 «line 31» to column 43 «line 14» | column 74 «lines 37-42»*].



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9. As to claim 4, Reed as modified by Bischoff discloses the at least one of the plurality of components receives the DTSO from the first component to be used by the at least one of the components for receiving data transmitted from the first component [*column 67 «lines 18-65»*].

10. As to claim 5, Reed as modified by Bischoff discloses the universal data transfer interface and the DTSO have source-specific object-oriented mobile code that can be interpreted and performed by the first component or the at least one of the plurality of components [*column 8 «lines 52-64» | column 21 «lines 14-25»*].

11. As to claim 6, Reed as modified by Bischoff discloses the DTSO comprises instructions to enable the first component or the at least one of the plurality of components to negotiate with each other to transfer data, to select a communications protocol configured to transfer data between each other based upon a type of data to be transferred [*column 12 «lines 44-50» | column 14 «lines 39-60»*].

12. As to claim 7, Reed as modified by Bischoff discloses the DTSO is configured to indicate completion responsive to the first component or to the at least one of the plurality of components indicating that the data transfer has completed or failed [*column 85 «line 60» to column 86 «line 10»*].

13. As to claims 8, 12, 19, 23, and 30, see rejection of claim 1 above, and previous rejections as set forth in the previous Office action, filed 8.22.2006.

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14. As to claims 9-11, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 1, 4 and 7.

15. As to claims 12-18 and 23-29, as they do not teach or further define over the previously claimed limitations, they are rejected for at least the same reasons set forth for claims 1-7, respectively.

16. As to claims 20-22 and 31-33, as they do not teach or further define over the previously claimed limitations, they are rejected for at least the same reasons set forth for claims 4 and 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Examiner, Art Unit 2452